

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HARRY SMITH, JR., and ROSLYN)
WOODARD SMITH, individually and as)
Administrators of the ESTATE OF HARRY)
SMITH, III)

Plaintiffs,)

v.)

CITY OF WILMINGTON, JOHN)
CIRITELLA, THOMAS DEMPSEY and)
MATTHEW KURTEN,)

Defendants.)

C.A. No. 04-1254-GMS

JURY TRIAL DEMANDED

ORDER MODIFYING CAPTION

WHEREAS, the defendants having moved for summary judgment and having filed a supplemental motion for summary judgment; and

WHEREAS, on March 22, 2007 the Court having entered a Memorandum Opinion and Order denying those motions in part and granting those motions in part; and

WHEREAS, it appearing to the Court that the only claims alleged against the defendant City of Wilmington are plaintiffs' state law claim of Abuse of Corpse and plaintiffs' *Monnell* claims; and

WHEREAS, the Court having granted summary judgment dismissing those claims,

IT IS THEREFORE ORDERED that the caption is modified to read as follows:

HARRY SMITH, JR., and ROSLYN)
WOODARD SMITH, individually and as)
Administrators of the ESTATE OF HARRY)
SMITH, III)

Plaintiffs,)

v.)

JOHN CIRITELLA, THOMAS DEMPSEY)
and MATTHEW KURTEN,)

Defendants.)

C.A. No. 04-1254-GMS

JURY TRIAL DEMANDED

Gregory M. Sleet
United States District Judge

Dated: March ____, 2007